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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISIONS
12

13 **SPECIALTY EQUIPMENT MARKET**
14 **ASSOCIATION & PERFORMANCE**
15 **RACING, INC.; NATIONAL TRUCK**
EQUIPMENT ASSOCIATION,

16 Plaintiffs,

17 v.

18 **CALIFORNIA AIR RESOURCES**
19 **BOARD; STEVEN S. CLIFF, in his official**
20 **capacity; ROBERT A. BONTA, in his**
official capacity; and DOES 1 through 25,

21 Defendants.
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2:24-cv-02771- TLN-AC

**STIPULATION AND ORDER TO SET A
BRIEFING SCHEDULE FOR
DEFENDANTS' MOTION TO DISMISS**

Courtroom: 2, 15th Floor
Judge: Hon. Troy L. Nunley
Trial Date: Not Set
Action Filed: October 8, 2024

Under Local Rule 144, Plaintiffs Specialty Equipment Market Association & Performance Racing, Inc. and National Truck Equipment Association (collectively, Plaintiffs) and Defendants California Air Resources Board (CARB), Steven S. Cliff, in his official capacity, and Robert A. Bonta, in his official capacity, (collectively, Defendants) hereby stipulate to extend Defendants' time to file a response to Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 (Complaint) and to set a briefing schedule for Defendants' Motion to Dismiss, as follows:

1. Plaintiffs filed the Complaint in this action on October 8, 2024.

2. Defendants waived service, and their responsive pleadings are due December 9, 2024. ECF No. 4. Defendants presently intend to file a motion to dismiss.

3. The parties have not previously sought or obtained extensions of any deadline related to Defendants' response to the Complaint (including the anticipated motion to dismiss).

4. Plaintiffs' Complaint targets a regulation adopted by CARB and referred to as Advanced Clean Fleets (ACF).

5. CARB has requested that the United States Environmental Protection Agency (EPA) waive Clean Air Act preemption for parts of ACF.

6. The parties believe it would be more efficient to brief Defendants' motion to dismiss after the parties have an opportunity to consider any action(s) EPA takes on CARB's request in the next six weeks.

7. The parties therefore stipulate that the deadline for Defendants' responsive pleadings be extended to January 31, 2025.

8. Due to workloads in other matters, internal and client reviews, and the number of claims in the Complaint, the parties also believe that the briefing on a motion to dismiss would best serve the Court if the parties had more time for their briefs than the default schedule provided by the Federal Rules of Civil Procedure.

9. The parties therefore stipulate that if Defendants file a motion to dismiss on or before January 31, 2025, Plaintiffs' opposition would be due March 14, 2025; and Defendants' reply would be due April 11, 2025.

1 Dated: December 4, 2024

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 MYUNG J. PARK
5 Supervising Deputy Attorney General

6 /s/ M. Elaine Meckenstock
7 M. ELAINE MECKENSTOCK
8 Deputy Attorney General
9 *Attorneys for Defendants*

10 Dated: December 4, 2024

SIDLEY AUSTIN LLP

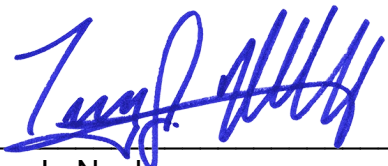
11 /s/ Caleb J. Bowers
12 Caleb J. Bowers
13 Attorney for Plaintiffs
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ORDER

Based on the foregoing stipulation of the parties, and for good cause shown, the time for Defendants California Air Resources Board; Steven S. Cliff, in his official capacity; and Robert A. Bonta, in his official capacity, to file a response to Plaintiffs' Complaint, ECF No. 1, is hereby extended from December 9, 2024 to January 31, 2025. Should Defendants file a motion to dismiss on or before that date, Plaintiffs' opposition to that motion is due March 14, 2025; and Defendants' reply on that motion is due April 11, 2025.

IT IS SO ORDERED.

Dated: December 5, 2024



Troy L. Nunley
Chief United States District Judge